

1895-048 Chancery Causes: Cowan [McClung & Co] vs. F. C. Anderson & Co] 6c
Lee Co.

McClung, Cowan, Rhea, Shomar, Anderson, Livingston

CA-Debt

T-Property

To the Honorable W. T. Miller
Judge &c, holding the Circuit Court for
the County of Lee in the State of
Virginia

Your Orators James D. Brown
Robert M. Rhea Jacob L. Thomas, Matthew
McClung and Charles J. McClung, all
citizens of the State of Tennessee, and
who are partners in trade doing business
at Knoxville Tennessee, under the style
and firm name of Brown McClung & Co.
shows to your Honor that on the 7th
day of April 1893, ^{and the 7th day of Feb 1893} F. L. Anderson and
B. H. Livingston partners in trade,
and doing business in said Lee
County, under the style and firm
name of F. L. Anderson & Co. for goods
wines and merchandise delivered to
them by your Orators, executed to
your Orators four bonds or bills
single and which are herewith
filed as exhibits "A" "B" "C" and "D", to this
bill. By these several bonds, or bills
single, the said firm of F. L. Anderson
& Co., undertook and bound itself to
pay the sums therein specified, and
at the times therein mentioned. ~~And~~
which sums and times are as
follows: \$38.40, four months from date
(April 7th 1893) \$75.48 sixty days after
date (April 7th 1893) \$41.35 One day after
date (April 7th 1893) and \$89.23 for

months from Mar. 15th after date
(Feb 7, 1893) - On the book of
\$8993, executed on Feb 7th 1893, there
is a credit, dated Nov 27, 1893 for
the sum of \$170, and with the
exception of the said sum of \$170
said bonds and every part thereof
and the interest thereon remain
due and unpaid -

Since the execution of said
bonds the said Anderson and
Livingston have dissolved partnership
and disposed of their stock in trade
and the said Livingston has removed
himself and property to the State
of Tennessee, and the said Livingston
is now a citizen of that State -

The said Anderson still resides
in said Lee County, but on the 16th
day of October 1893. with the intent
to hinder, delay and defraud his
creditors and especially upon Orson
who were then existing creditors, deeded,
~~and~~ assigned and conveyed to his
wife Emily H. B. Anderson all of
his personal property, certain notes
and a tract or parcel of land situated
in the County of Lee State of Va
on Blackwater Creek, lying on both
sides and where he then lived -
and known as a part of the
H. R. Anderson farm. and bounded

generally in the South by the
Orens land, the West by Richard
Leverys land; on the North by
Jesse Andersons land, and Huffs,
and on the East by W. T. Andersons
land, containing by estimation
— Acres more or less —

The personal property attempted
to be assigned and transferred
by the fraudulent and pretended
deed above mentioned, is as follows:
"Two bay mares. One three year old
dark brown mare, one two year
old yellow horse, two yearling colts
one bay colt, two middle cows, one
read and the other rather spotted;
four two year old cattle, two calves
six head of hogs, one promissory
note on Mr. W. Livingston past due
for one hundred and eighty one
dollars and interest, one on
same for nineteen dollars $19\frac{1}{100}$ with
interest, one note on J. A. Moore
and others for one hundred and
sixty five dollars with interest
one note on J. B. Wallen and
others for twenty five dollars and
interest. One note on L. M. Hill
for one hundred dollars with
interest. One note on T. J. Mygal
and M. B. Mygal, balance of one
hundred dollars, with interest. One

note on S. H. Duff and H. T. Forqueman for fifty five dollars with interest, one on S. J. Locke for about one hundred and ten dollars with interest, one note on W. T. Anderson for six hundred and eighty one dollars with interest.

The note of W. T. Anderson for six hundred and eighty one dollar was given for a part of the purchase money on a tract of land sold by the ^{said} F. C. Anderson to the said W. T. Anderson known as the Eastern part of the A. R. Anderson lands, that was purchased by the said F. C. Anderson at a commission sale in the case of Henry J. Prager vs. W. T. Anderson Admin. rel, lately determined in your Honor's Court, and reference to which ^{case} is here made for a fuller description of said land. In the sale of said land by the said F. C. Anderson he executed to the said W. T. Anderson a title bond only, and retained therein and thereby a lien for the purchase money which lien still exists in favor of said note of \$680.00.

~~The premises consist of~~
~~prayer that the said~~

The land attempted to be conveyed by the said fraudulent and pretended deed as above stated was purchased by the said F.B. Anderson at the sale in the case of Henry J. Morgan vs. Wm T. Anderson Adm'r, above mentioned, and there is still due them from the said F.B. Anderson about the sum of Fifteen hundred dollars and which constitutes a valid and subsisting lien thereon. Said case is still pending in open Court.

The premises considered complainants pray that the said B. H. Livingston who is a resident of the State of Tennessee, F.B. Anderson, County H.B. Anderson and W. T. Anderson residents of said Lee County State of Va. be made parties defendant to this bill by apt words the issue and service of process and publication, and be required to answer, but they are exempt under the statute from answering under oath; that at the hearing ^{for a} ~~they~~ have a decree against the said Livingston and F.B. Anderson under their firm name of F.B. Anderson & Co. for the said

Several bonds made subjects to
this bill with their lawful
interest; that said deed of
conveyance and assignment of
personal property made by the
said F.B. Anderson to the said
Entity H.B. Anderson, be declared
fraudulent and void and for
nothing held; that said land
and the property and notes above
described be held to the satisfaction
of said decree; that if necessary,
this cause be consolidated
with the cause of Henry J.
Morgan vs. W. T. Anderson Adversal
now pending in this Court, that
said land be sold and the
proceeds arising therefrom be applied
to the payment of the purchase
money yet due there; and the
remainder to the payment of
complaints decree in this case.
And if complaints decree is
then not satisfied they pray that
the note of \$681.00 executed by
W. T. Anderson to the said F.B.
Anderson, be declared a lien on
the land for which it was given
as above described. And that said
land or so much thereof as may
be necessary ^{needed to} be sold to satisfy
the same, and the proceeds thereof

be applied to the payment of
Complainants' debts & that the
several accounts necessary to
attain the ends in view in this case
be taken by a commission
appointed by this Court.

Complainants file this bill on
behalf of themselves and such
other creditors of the firm of F. B.
Anderson & Co., as may come in
and make them return parties under
the rules and regulations of this
Court.

If Complainants have ~~any~~ any
thing mistaken their property
remedy for relief in this court, they
may ~~for all such~~ others further differe
and general relief herein that
in equity and good conscience
they may be entitled to.

Columan T. Gorin,

Sols for Complainants.

Virginia Lee County Court

This day H. F. Coleman agent
and attorney for the Complainants
in the foregoing bill, appeared before
me A. B. Murray Clerk of the Circuit
Court of said County and made oath
that the firm of F. B. Anderson & Co. as
described in said bill ^{believed by him to be} are justly
indebted to Complainants in the sum

in said bill mentioned with the legal
 interest thereon due, and that Lemphers
 have a present cause of action therefor.
 That B. H. Livingston a member of
 the said firm of F. C. Anderson & Co. is
 a nonresident of this state, as stated
 in the bill and that the said F. C.
 Anderson has ^{conveyed} disposed of his ^{estate} ~~property~~
 (real and personal) with the intent
 to hinder delay and defraud his
 creditors as stated in said bill.

Given under my hand
 This November the 9th 1894, H. F. Coleman
 AB Munsey, clerk,

Coleman & Gorins

Creditors

F. C. Anderson & Co.

1895 1st January Rules

bill filed Sp. 24 center

& Court. for Order of

Publication

" 2 Jan'y Rules Conto

1st Feby Rules dismissed

by the plaintiff.

Settled -

See Jones for

Costs.

Coleman & Gorins

Coleman & Gorins
 Attorney
 1895 1st Jan'y 20.

C 6.55
 S 1.50

atly 15.00
 Porter 6.20

\$29.25

In the Clerk's Office of the Circuit Court of the County of
Lee

Cowan, McClung & Co.
against

Plaintiff s .

F. C. Anderson & Co., Emily St. B. Ander-
son, and H. T. Anderson

Defendant s .

In Chy.

This day A. M. Gains personally appeared
before me A. B. Munsey Clerk of the said Court,

and being duly sworn, made oath that

of the B. St. Livingston one
defendant s in the said suit is not a resident of the State of Virginia, to the best of
his knowledge and belief.

Given under my hand has Clerk of the said Court, this 22 day of November

1894,

A B Munsey Clerk

Corwan McElhiney

vs. { AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Ed. Anderson et al

Coleman & Goings p. q.

*Filed November the 22nd
1894
A B Munsiey Clk*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *F. L. Anderson and B. H. Livingston*
late partners in trade under the style and firm
name of *F. L. Anderson & Co.* And *Emily H. B. Anderson*
and *W. T. Anderson*,

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *January*, 189*5*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Mathew Mcclung*
Charles J. Mcclung, James D. Lowan, Robert M. Rhea
and *Jacob L. Thomas* partners in trade under
the style and firm name of *Lowan, Mcclung & Co.*

And have them there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house the

14th day of *November* 189*4*, and in the 11 *9th* year of the

Commonwealth.

A. B. Munsey Clerk.

Cowan McBlung & Co.

vs.

{ SUPPENA
IN CHANCERY.

F. C. Anderson et al.

Coleman & Goins p. q.

To 1st January Rules,
Circuit Court.

Executed by delivering
an office copy of
the within to
F. C. Anderson and
Emily H. B. Anderson
and W. T. Anderson
this January 5 day 1895
H. P. Arrington
Deputy for
C. C. Lowery
J. L. C.